

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ANDREW BOWSER,

Plaintiff,

Case No. 23-cv-10568

v.

PETER WATSON, FREDERICKS HERRO,
LAURIE FRYE, GRAND PRARIE
HEALTHCARE SERVICES, WELLPATH
LLC, CODY CRITES, RICHARD
RUSSELL, TIMOTHY SHAVER,
ELIZABETH FANELLI, AND JANE OR
JOHN DOES 1–5,

Defendants.

Hon. Sean F. Cox
United States District Court Judge

**ORDER ADOPTING REPORT AND RECOMMENDATION (ECF No. 35) AND
DISMISSING PLAINTIFF’S CLAIMS AGAINST JOHN DOE DEFENDANTS**

In the operative complaint in this case, Plaintiff raised claims against “Jane or John Does 1–5.” (ECF No. 3, PageID.242). The Court referred all pretrial matters in this case to Magistrate Judge Patricia T. Morris. (ECF No. 7).

Defendant did not serve the Doe defendants with process within 90 days of filing his Corrected Complaint. If a plaintiff fails to serve a defendant with process within 90 days of filing his or her complaint, then courts must “dismiss the action without prejudice against that defendant or order that service be made within a specified time.” Fed. R. Civ. P. 4(m).

On August 17, 2023, Magistrate Judge Morris ordered Plaintiff to identify the Doe defendants he named in the Corrected Complaint on or before September 22, 2023, or else she would recommend that the Court dismiss the claims that Plaintiff raised against those defendants. (ECF No. 32). Plaintiff failed to identify the John Doe defendants before September 22, 2023,

and Magistrate Judge Morris recommended that the Court dismiss the Doe defendants from this case in a report and recommendation dated December 19, 2023. (ECF No. 35).

The time permitted for the parties to file objections to the Report and Recommendation has passed and no objections were filed. Accordingly, the Court hereby **ADOPTS** the Report and Recommendation (ECF No. 35) and **ORDERS** that the claims Plaintiff raised against the Doe defendants in his Corrected Complaint (ECF No. 3) are **DISMISSED WITHOUT PREJUDICE**.

IT IS SO ORDERED.

s/Sean F. Cox
Sean F. Cox
United States District Judge

Dated: February 8, 2024